



PATENT OT0426KQ3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Haslwanter, et al.

Serial No.: 09/940,784

Filed: August 28, 2001

For: **Nasal Spray Compositions**

Customer Service Center  
Initial Patent Examination Division  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: Box Missing Parts

Examiner: Not Yet Assigned

Group Art Unit: 1615

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**RESPONSE TO NOTICE OF FILING MISSING PARTS**

Sir:

This paper is being filed with a fully executed Declaration/Power of Attorney which complies with 37 C.F.R. § 1.53(b).

Applicant first received a Notice of Missing Parts (dated **September 13, 2001**) from the U.S.P.T.O on **September 17, 2001**. In an effort to further the prosecution of this case, applicant is forwarding the executed Declaration/Power of Attorney as well as a four-month extension.

In addition, enclosed is a Fee Transmittal for the required surcharge.

Schering-Plough Corporation  
2000 Galloping Hills Road  
Patent Department, K-6-1,1990  
Kenilworth, New Jersey, 07033  
Tel: (908) 298-2161  
Fax: (908) 298-5388

Respectfully submitted,

**William Y. Lee**  
Attorney for Applicants  
Reg. No. 46,100

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
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20231 ON March 8, 2002  
(DATE OF DEPOSIT)

WILLIAM Y. LEE  
(REGISTERED REPRESENTATIVE)

(SIGNATURE)

(Date) March 8, 2002



# 3

## UNITED STATES PATENT AND TRADEMARK OFFICE

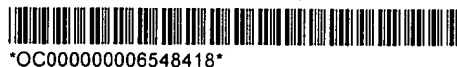
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/940,784	08/28/2001	Joseph A. Haslwanter	0T0426KQ3

24265  
SCHERING-PLOUGH CORPORATION  
PATENT DEPARTMENT (K-6-1, 1990)  
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CONFIRMATION NO. 6530

## FORMALITIES LETTER



\*OC000000006548418\*

Date Mailed: 09/13/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/21/2002 SZEWDIE1 00000021 190365 09940784

01 FC:105 130.00 CH  
02 FC:118 ~~1440.00 CH~~

<b>PATENT DEPARTMENT RECEIVED</b>
<b>SEP 17 2001</b>
<i>lag</i>
<b>ROUTE TO COMMENTS</b>
<input type="checkbox"/> COMPUTER INPUT
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PTO/SB/17 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 1,570.00

**Complete if Known**

Application Number	09/940,784
Filing Date	August 28, 2001
First Named Inventor	Haslwanter et al.
Examiner Name	To be determined
Group Art Unit	1615
Attorney Docket No.	OT0426KQ3

**COPY OF PAPERS  
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- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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Number

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Deposit  
Account  
Name

Schering-Plough Corporation

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$) Code (\$) Fee Paid

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

SUBTOTAL (1) (\$ ) 0.00

**2. EXTRA CLAIM FEES**

Extra Claims

Fee from  
below

Fee Paid

Total Claims

-20\*\* =

X

Independent

- 3\*\* =

X

Multiple Dependent

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$) Code (\$) Fee Paid

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 \*\* Reissue independent claims  
over original patent110 18 210 9 \*\* Reissue claims in excess of 20  
and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	1,440.00
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,570.00

**SUBMITTED BY**

Name (Print/Type)

William Y. Lee

Registration No.  
(Attorney/Agent)

46,100

**Complete (if applicable)**

Telephone

(908) 298-2161

Signature

Date

March 8, 2002

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/940,784	
	<b>Filing Date</b>	August 28, 2001	
	<b>First Named Inventor</b>	Haslwanter et al.	
	<b>Group Art Unit</b>	1615	
	<b>Examiner Name</b>	To be determined	
<b>Total Number of Pages in This Submission</b>	8	<b>Attorney Docket Number</b>	OT0426KQ3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(1) Executed Declaration of Haslwanter & Rencher; (2) Copy of PTO-1533 Form; and (3) Return Receipt Post Card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
<b>Firm or Individual name</b>	William Y. Lee, Reg. No. 46,100
<b>Signature</b>	<i>William Y. Lee</i>
<b>Date</b>	March 8, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: March 8, 2002			
<b>Typed or printed name</b>	William Y. Lee		
<b>Signature</b>	<i>William Y. Lee</i>	<b>Date</b>	March 8, 2002

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